

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KATHARINE MORLING, an individual

Plaintiff,

v.

THE MICHAELS COMPANIES, INC., a Delaware Corporation, MICHAELS STORES, INC., a Texas corporation, MICHAELS STORES PROCUREMENT COMPANY, INC., a Texas corporation, and DOES 1-10, inclusive,

Defendants.

23-CV-08240 (VSB)

NOTICE OF MOTION

Oral Argument Requested

PLEASE TAKE NOTICE, that upon the accompanying Defendants' Memorandum of Law in support of their motion, the annexed Declaration of Seth Rasmussen on behalf of The Michaels Companies, Inc., attached as Exhibit A, and the annexed Declaration of Seth Rasmussen on behalf of Michaels Stores Procurement Company, Inc., Defendants The Michaels Companies, Inc., Michaels Stores, Inc., and Michaels Stores Procurement Company, Inc. shall move this Court, before the Honorable Vernon S. Broderick at the Thurgood Marshall United States Courthouse, Courtroom 518, 40 Foley Square, New York, New York, 10007, on a date and time to be directed by the Court, for an Order dismissing Plaintiff Katharine Morling's Complaint for Improper Group Pleading, Lack of Personal Jurisdiction and Improper Venue, and Failure to State a Claim Upon Which Relief Can Be Granted, pursuant to Rules 12(b)(2), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure, and awarding Defendants such other and further relief as the Court deems just and proper. The reasons and grounds for this motion are more fully described in the accompanying Memorandum of Law in support of this Motion.

Dated: December 12, 2023
Palm Beach Gardens, Florida

McHALE & SLAVIN, P.A.

By: /s/ Andrew D. Lockton
Edward F. McHale (admitted *pro hac vice*)
Andrew D. Lockton (admitted *pro hac vice*)
2855 PGA Boulevard
Palm Beach Gardens, Florida 33410
Telephone: (561) 625-6575
Facsimile: (561) 625-6572
Email: emchale@mchaleslavin.com
alockton@mchaleslavin.com
litigation@mchaleslavin.com

*Attorneys for Defendants The Michaels Companies,
Inc., Michaels Stores, Inc., and Michaels Stores
Procurement Company*